

Message Text

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INFO OCT-01 AF-05 NEA-05 IO-03 ADP-00 /019 R

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APPROVED BY: EB/ OA/ AVP: JASILBERSTEIN

EGY- MR. SHANLEY

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FOL TEL SENT SECSTATE FROM MONTREAL MARCH 6 TH:

QUOTE: MONTREAL 0450

FROM US REP ICAO

E. O. 11652: N/ A

TAGS: ETRN, CA

SUBJECT: ICAO COUNCIL ACTION RE LIBYA AIRLINES INCIDENT

1. C- OB 78/4 ADDENDUM BECAME FIFTH ITEM ORDER BUSINESS
MARCH 5. MEETING CLOSED FOR THIS ITEM. ISRAEL REPRESENTED
BY AMB DORON, LIBYA REPRESENTED BY EL RAFODI (NY DELEGATE)
BUT PREFERRED NOT SPEAK.

SAUDI ARABIA INVITED BECAUSE FEBRUARY 28 CABLE TO ICAO.
LEBANON (FEB 27 CABLE) AND EGYPT ALREADY SIT ON COUNCIL.
C- WP/5734 SETS FORTH FOUR REQUESTS TO COUNCIL. THESE WERE
SUPERSEDED BY ASSEMBLY RESOLUTION A19-1 DIRECTING COUNCIL TO
INSTRUCT SEC GEN TO INVESTIGATE.

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2. MOST OF 30- MINUTE DISCUSSION CENTERED AROUND LEGAL BASIS FOR COUNCIL ACTION, FOLLOWING FROM FRENCH INTERVENTION CITING 55(E). FRANCE INDICATED WISHED ESTABLISH PRECEDENT BASED ON VALID LEGAL BASIS. PRES/ COUNCIL INDICATED TO FRANCE THAT ICAO TEAM WILL SIMPLY " FIND OUT FACTS -- EVERYTHING"; AND BRING INFO TO COUNCIL IN FORM OF REPORT FROM SECGEN. WHAT COUNCIL DOES AFTER RECEIVING REPORT WILL COME UNDER " SOMETHING ELSE".

BELGIUM THOUGHT IT WOULD BE USEFUL TO HAVE REFERENCE TO 55(E). FYI LATER BELGIAN REP TOLD US REP HIS CONCERN WAS FOR MAINTAINING COUNCIL INDEPENDENCE FROM ASSEMBLY AND DISCOURAGING ASSEMBLY DIRECTIVES TO COUNCIL IN AREAS WHERE COUNCIL HAS OWN LEGAL AUTHORITY. END FYI.

MANY COUNCIL MEMBERS INCLUDING US INTERVENED FAVORING TWO-PHASE APPROACH: FIRST BEING ASSEMBLY DIRECTIVE PURSUANT 54(B); AND SECOND PHASE AFTER INVESTIGATION REPORT RECEIVED. APPROVED 25 (US) - 0 - 2 (BELGIUM/ FRANCE).

3. PRES/ COUNCIL INDICATED BEGINNING AND END FO MEETING THAT HE AND SECGEN HAD COORDINATED RE APPROACH:

A) TECHNICAL GROUP CONSISTING OF ICAO SECRETARIAT PERSONNEL; IF ANY PARTICULAR EXPERTISE NOT AVAILABLE ICAO WILL CONTACT OTHER INTERNATIONAL ORGANIZATIONS (SUCH AS WMO - METEOROLOGY) FOR " UP- TO- DATE AVIATION TECHNIQUES AND KNOWLEDGE." AS EXAMPLE, HE MENTIONED MAY BE NECESSARY HAVE EXPERT ON 727' S " FROM SOME-WHERE". FYI US REP HAD IMPRESSED ON PRES/ COUNCIL PRIOR TO MEETING NO US INVOLVEMENT -- WHICH HE READILY AGREED ON. END FYI. AN " INTERNATIONAL OFFICIAL" WILL BE SECONDED TO ICAO AS IMPARTIAL OBSERVER AND PARTICIPANT.

B) TIMING: EGYPT ASKED FOR REPORT IN TWO WEEKS. PRES/ COUNCIL SAID NOT POSSIBLE, WOULD BE TWO WEEKS AFTER TEAM RETURNS FROM FIELD. FYI. PRES/ COUNCIL HAS TOLD US REP INFORMALLY FOLLOWING APPROXIMATE SCHEDULE SEEMS REALISTIC: DEPART TOWARD END NEXT WEEK (MARCH 14-16) AFTER VISAS, ORGANIZATION, ETC. FOUR DAYS LIBYA, ONE WEEK CAIRO, 3/4 DAYS ISRAEL. (TWO PLUS WEEKS IN FIELD, TWO WEEKS MONTREAL -- REPORT READY 5/6 WEEKS FROM NOW). US REP ASKED IF THIS ACCEPTABLE TO EGYPT. PRES SAID EGYPT REALIZES TWO WEEKS " OUT OF THE QUESTION". END FYI.
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C) COUNCIL ACQUIESCED IN WHATEVER MONEY REQUIRED FOR TRAVEL/
PER DIEM.

D) WILL BE OUTSIDE ANY REPEAT ANY POLITICAL DELIBERATION.

E) RE INVESTIGATION: THERE WERE NO PLEAS FOR
URGENCY BUT SEVERAL SPECIFIC REQUESTS FOR PRESERVATION
WRECKAGE DUE WEATHER CONDITIONS THIS TIME YEAR.
ISRAEL INTERVENTION (AND ALL OTHERS) WERE LOW- KEY, UNEMOTIONAL.
ISRAEL STATED: WILL PRESERVE ALL EVIDENCE, FACILITATE EXAMI-
NATION SURVIVORS, RETURN THEM TO HOMES WHEN RECOVERED, ETC.
AGAIN STRESSED NEED FOR " SWIFT COMMUNICATIONS SYSTEM" WHICH
WOULD HAVE PREVENTED ACCIDENT. (CITED A PREVIOUS AVOIDANCE
WITH JORDAN).

4. PRES INDICATED LAST POINT OF EGYPT REQUEST, (PARA. 5),
WILL BE PENDING UNTIL REPORT RECEIVED BY COUNCIL. HOWEVER,
AT SUGGESTION TWO OR THREE STATES, SECGEN' S REPORT WILL INCLUDE
" LESSONS FOR FUTURE", " CERTAIN PROPOSALS FOR PREVENTATIVE
MEASURES".

ISRAEL RESERVED POSITION RE PARA. 5.

PRES SAID SECGEN WILL KEEP COUNCIL ADVISED BY MEMOS ON MAKEUP
OF TEAM, TRAVEL MOVEMENTS. EXEMPT. TOPPING
UNQUOTE ROGERS

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 15 MAR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: smithrj
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE047989
Document Source: CORE
Document Unique ID: 00
Drafter: EB/ OA/ AVP: JSGRAVATT
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730329/aaahtzv.tel
Line Count: 145
Locator: TEXT ON-LINE
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: smithrj
Review Comment: n/a
Review Content Flags:
Review Date: 06 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06-Sep-2001 by freemaal>; APPROVED <17-Oct-2001 by smithrj>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> srp 971203
Subject: ICAO COUNCIL ACTION RE LIBYA AIRLINES INCIDENT
TAGS: ETRN, CA, ICAO
To: CAIRO
GENEVA
TEL AVIV
TRIPOLI
USUN NEW YORK
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

